

REMARKS

Claims 7-10 and 13, 15 and 16 are presented. Only claim 13 is independent.

A passage in the paragraph bridging pages 5 and 6 of the specification has been amended to express a feature inherent in the specification and drawings as originally filed. The clock housing 29 is slidable axially on the shaft 24 as the shaft rotates relative to the housing. This increases the separation in a direction parallel to the axis of the shaft 24 between the lens 20 and the face 12, as the specification and drawings as originally filed disclose. That separation, i.e., separation in a direction parallel to the axis of the shaft 24, it is what is popularly called a perpendicular separation between the lens 20 and the face 12. That is, the lens 20 moves perpendicularly away from the face 12 as the shaft is rotated, the lens being optionally retained above the face 24. As indicated below, this feature clearly distinguishes the amended claims from the prior art.

Claims 7-10, 13 and 14 (now claims 7-10 and 13; see below) are rejected under 35 U.S.C. §103(a) as being unpatentable over a U.S. patent to McKay No. 5,883,360, in view of a U.S. patent to Tortola et al. No. 5,165,779 and a U.S. patent to Altman et al. No. 5,642,234. Claims 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of McKay, Tortola et al. and Altman et al. as indicated above and further in view of a U.S. patent to Chao et al. No. 3,937,320.

The Examiner recognizes that no one of the documents anticipates the invention as defined in the claims as previously submitted but concludes that the combined teachings of those documents would have made the invention as defined in those claims obvious to a person having ordinary skill in the art.

The rejections are respectfully traversed.

It is noted that claim 14 was cancelled by the amendment filed February 12, 2003. The retained claims are all directed to a clock comprising a housing with a face, a magnifying lens that can overlie the face, and a cover that covers the lens and face when the clock is stored and uncovers at least the face when the clock is deployed for displaying the time. The lens is adjacent the face when the cover covers the lens and face and is moved perpendicularly away from the face in response to uncovering of the face by the cover. The clock further comprises a light for illuminating the face, a switch for controlling the light, and means in circuit with, but separate from, the switch for preventing the switch from turning the light on when the clock is stored and enabling the switch to turn the light on when the clock is deployed.

The invention as defined in the claims as resubmitted is neither disclosed nor suggested by the documents relied upon.

The McKay patent discloses several embodiments of a watch having a magnifying device. None of these embodiments corresponds to the invention as claimed in the application.

In Fig. 1 the magnifying lens 16 pivots away from the watch face 24; it does not move perpendicularly. The same is true in the embodiment of Fig. 5. In the embodiment of Fig. 4, the magnifying lens swings in a direction parallel to the plane of the watch face 114.

The Tortola patent discloses a video game device and is not analogous art. The lens 28 is in a pivotally mounted frame 30 and again fails to meet the limitation of the claims as amended (patent column 6, lines 34-41). The Altman et al. patent is equally irrelevant to the invention as defined in the amended claims. The Altman et al. patent discloses a magnifying lens 12 provided with a cover or storage case 18. A support frame 14 for the lens 12 undergoes pivotal movement between the stored position illustrated in Fig. 1 of the patent and a deployed position illustrated in Fig. 2 of the patent. If that patent were combined with the others relied upon in an attempt to arrive at the present invention, the limitation of the amended claims that the lens is adjacent the face when the cover covers the lens and face and is moved perpendicularly away from the face in response to uncovering of the face by the cover still not be met. The Chao patent also discloses structure wherein the cover opens by tilting and leaves no option of turning the light off while the cover is open.

Accordingly, the new combination of references is clearly avoided by the amended claims as indicated above.

Moreover, the claims are further distinguished from the art of record in other significant respects:

The McKay patent discloses a button 44 to actuate a light 42. There is nothing to prevent the button 44 from turning the light 42 on when the watch is, for example, removed from the arm of the wearer and stored in a drawer, pocket or purse. The danger of running down the battery is apparent. If the same battery powers the watch, the watch will of course stop running.

This problem is not addressed by the Tortola et al. patent. The switch 26 operates light bulbs (not shown in the patent) positioned on either side and behind slightly raised opposing side panels 48 (see Fig. 15 and 6:27-30). In the stored configuration, the lights of the Tortola et al. apparatus can be inadvertently left on, thereby quickly discharging the battery or batteries housed within the compartment 16.

The Altman et al. patent discloses only a pivoting movement for turning the light on or off when the lens is deployed. That is, the light is on over a certain range of deployment and off over a different range of deployment. In accordance with the present invention, a switch is provided, plus means in circuit with, but separate from, the switch for preventing the switch from turning the light on when the clock is stored and enabling the switch to turn the light on when the clock is deployed. In accordance with the present invention, therefore, the magnifying glass can be swung to any position and in that position the user has the option of turning the light on or off.

Thus no combination of the documents relied upon discloses or suggests the arrangement of the present invention, whereby, in the deployed configuration, turning the light on is optional, and in the stored configuration, turning the light on is impossible. The present invention offers a combination of flexibility and reliability not heretofore available in a clock that is both storable and deployable and has a magnifying lens and a light.

Since the documents relied upon do not support the outstanding rejections, it is respectfully requested that the rejections be withdrawn and that a notice of allowance be issued.

If a telephone call would expedite prosecution of the application, the Examiner is invited to call undersigned counsel.

Respectfully submitted,
COOPER & DUNHAM LLP



Donald S. Dowden
Reg. No. 20,701